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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,154

07/14/2003

James Patrick Griffin JR.

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10/29/2010

BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.

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CANADA

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

10/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/619,154	Applicant(s) GRIFFIN, JAMES PATRICK	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-46, 49 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-46, 49 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing correction filed December 6, 2006 has been approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-44 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton (US 3271919) in view of British Patent Application No. 2 265 664 and Blankenship (US 4858384). Olton discloses a security combination for a doorway comprising:

a door D sized and shaped to fit within a door frame, the door having a front surface 11, a rear surface 12, a top surface (not numbered, but shown in figure 1), a bottom surface (not numbered, but shown in figure 1), a free vertical edge portion (not numbered, but shown in figure 1), and a hinged vertical edge portion (not numbered, but shown in figure 1), the free vertical edge portion comprising at least one lockset (not numbered, but shown in figure 1), the lockset having a portion (not numbered, but comprising the handle) protruding through the front surface of the door and a locking member (not numbered, but comprising the latch as shown in figure 1),

a first U-shaped reinforcing member 14a (see figure 9) consisting of a base 17a member and two substantially perpendicularly positioned side members 15, 16, the first

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U-shaped reinforcing member capable of being securely affixed to the free vertical edge portion of the door, said first U-shaped reinforcing member being made of a metal material (see column 5, lines 26-30), extending substantially along the full length of the free vertical edge portion of the door, the base member having at least one opening (not numbered, but shown in figure 1) for passage of the locking member of the at least one lockset, each of the side members being flat and generally rectangular and extending substantially along the free vertical edge portion of the door and having a proximal edge connected to the base member and a distal edge wherein the distal edge of each of the side members does not extend in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion beyond any part of the portion of the lockset protruding through the front surface of the door as shown in figure 1, and

wherein the first U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door (see column 5, lines 54-74) so that the first U-shaped reinforcing member engages the free vertical edge portion of the door without being screwed to the door, wherein force applied against the front or rear surface of the door will be transmitted through the locking member to the door frame. The first reinforcing member is comprised of stainless steel as set forth in column 5, lines 34-36 (**claims 43 and 44**). Each of the side members 15, 16 has a substantially planar surface extending from the proximal edge of the side member to the distal edge of the side member (**claim 52**). The side members 15, 16 of the first U-shaped reinforcing member protrude from the front surface of the door and the rear surface of the door (**claims 53 and 54**). Olton is silent concerning a door frame and a second reinforcing member.

However, British Patent Application No. 2 265 664 discloses a security combination comprising a door frame (not numbered, but shown in figure 5) having at least one opening (not numbered, but shown in figure 4) to receive a locking member 21 and a second reinforcing member 10 capable of being securely affixed to the door frame, said second reinforcing member having at least one opening 15 for passage of the locking member 21 of the at least one lockset. The at least one lockset is a deadbolt locking set and the locking member 21 is a deadbolt (claim 41). The at least one lockset further comprises a door latch set and the locking member is a door latch (not numbered, but shown attached to the handle in figure 4) (claim 42). The second reinforcing member is comprised of steel as set forth line 33 of page 8 to line 1 of page 9 (claims 43 and 44).

It would have been obvious to one of ordinary skill in the art to provide Olton with a door frame, second member and lockset, as taught by British Patent Application No. 2 265 664, to increase the security of the door system.

Finally, Blankenship discloses a second reinforcing member 10 capable of being securely affixed to a door frame, the second reinforcing member having a length of from about 12 inches to substantially the full length of the free vertical edge portion of the door. See column 3, lines 32-38.

It would have been obvious to one of ordinary skill in the art to provide the second reinforcing member with a length from about 12 inches to substantially the full length of the free vertical edge portion of the door, as taught by Blankenship, to increase the security of the door system.

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 and Blankenship as applied to claims 40-44 above, and further in view of Stein (US 5475044). Stein discloses a silicon adhesive.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing members to the door assembly.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 and Blankenship as applied to claims 40-44 above, and further in view of Zarzycki (US 6406076). Zarzycki discloses a metal door 202.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a metal door, as taught by Zarzycki, to increase the strength of the door and therefore the strength of the security door assembly.

Response to Arguments

Applicant's arguments filed May 17, 2010 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Olton, the examiner respectfully disagrees. The applicant argues that Olton fails to disclose flat, generally rectangular side members because the side members of Olton include angled portions 20 and 21 as

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shown in figures 2 and 9. This is not persuasive because the claims do not require the side members to be entirely flat. Therefore, Olton discloses flat, generally rectangular side members because a majority of the side portions 20 and 21 are flat and generally rectangular as shown in figures 1, 2 and 9. With respect to claim 52, Olton discloses that each side member has a planar surface from its proximal edge to its distal edge as illustrated in the figure below. It should be noted that the distal edges, by definition, are not required to be the very end edge of the side members. Rather, the distal edges of the side members only need to be the edges which are disposed away from the edges which are attached to the base member. With respect to claims 53 and 54, Olton discloses that the side members protrude from the front and rear surfaces of the door. It should be noted that the front and rear surfaces of the door have indentations as shown in figure 2 and the drawing below. It is from this indentation the side members protrude from front and rear surfaces.

Next, the applicant argues that the examiner has failed to establish a *prima facie* case to combine the references of record because the invention of Olton is not a security system. This is not persuasive because the U-shaped member 14a of Olton clearly reinforces the edge of the door D since it protects the door from being damaged. Moreover, Olton discloses substantially the same U-shaped structure as that disclosed by the applicant. It is unclear how the applicant's U-shaped member is a reinforcement member and the U-shaped member of Olton is not since they have substantially similar structure. What structure makes the applicant's invention useful in resisting a break-in and the invention of Olton not capable of resisting break-ins? Moreover, the teachings

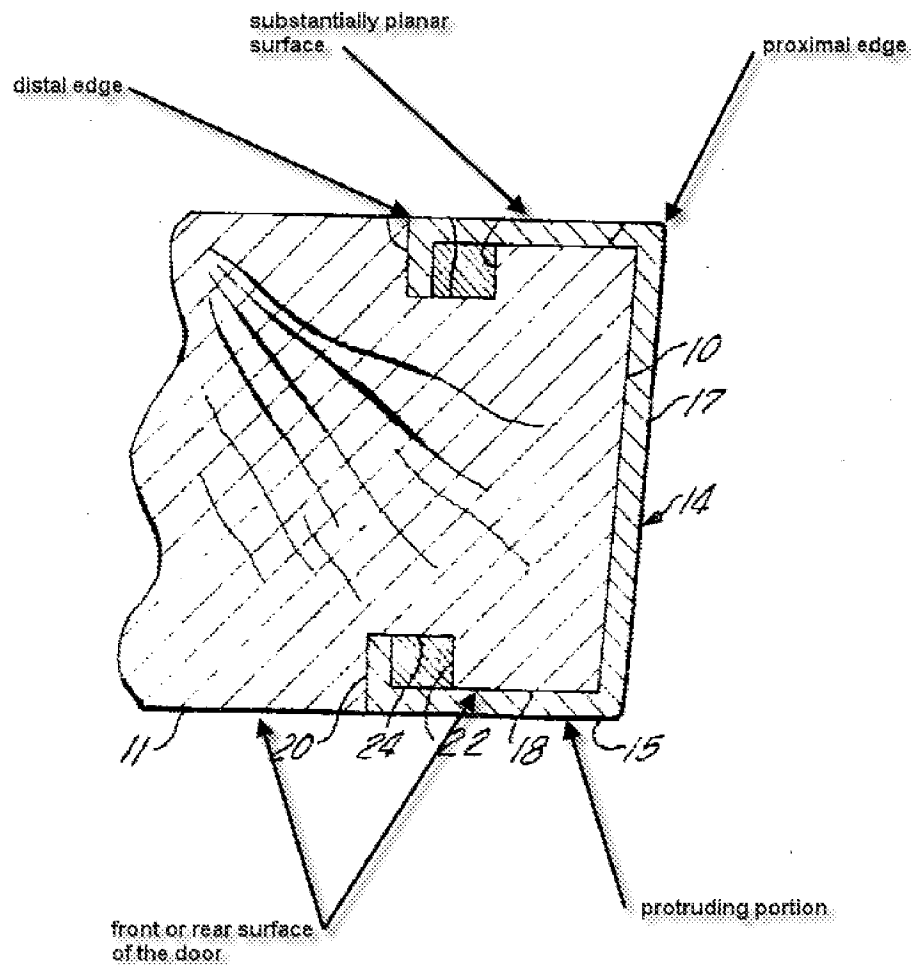
of British Patent Application No. 2 265 664 are used for the teachings of a door frame having an opening to receive a locking member and for the teachings of a second reinforcing member. Since it is well known to provide door frames with reinforcement, as taught by British Patent Application No. 2 265 664, one of ordinary skill in the art could have easily provided Olton with a door frame having a locking member receiving opening and a second reinforcing member. This combination of teachings would have been obvious to one of ordinary skill in the art whether or not Olton discloses a reinforcing member.

The applicant then argues that Olton fails to disclose a reinforcing member that increases the resistance to break-ins. This is not found persuasive because it is not supported by the claim language. The claims fail to set forth the degree to which the door and door frame are reinforced.

The declaration of Christopher William Campagnaro is not found to be persuasive. Mr. Campagnaro argues that Olton fails to describe his invention as a device to resist break-ins. This is not persuasive because it is not supported by the claim language. Note that the claims do not use the phraseology "break-in". Next, Mr. Campagnaro states that he expects the notches Olton would weaken the door. This is not found to be persuasive because the applicant has used the open ended language "comprising". Thus, Olton can disclose more than what the applicant has disclosed and still anticipate the applicant's claimed invention. Moreover, Mr. Campagnaro's expectation that the notches would weaken the door does not negate the fact that Olton discloses the exact same structure as that claimed by the applicant but for the addition

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of the end pieces 20 and 21 and the notches. Finally, Mr. Campagnaro's statement that one of ordinary skill in the art would not combine the teachings of Olton and British Patent Application No. 2 265 664 and Blankenship because he believes that the notches in the door of Olton would make the door of Olton too weak to be reinforced is not persuasive. This is not persuasive because it is based on Mr. Campagnaro's unsupported assumption that the notches of Olton would make the door too weak. If the door were made of 1 3/4" solid Mahogany and the door frame made of 3/4" x 3 1/2" Douglass Fir, the door would still be stronger than the door frame even with the notches. Thus, one of ordinary skill in the art would be motivated to strengthen the door frame as taught by British Patent Application No. 2 265 664 and Blankenship.



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634